

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

In the Matter of the Search of:

1834 N. 39th St., Milwaukee, WI, the upper unit of a two family duplex. The residence is off white/cream in color with brown window trim and a tan roof. The numbers "1834" are black in color and immediately adjacent to the northern most front door which faces west.

Case No. 18-M-31

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

See Attachment A

located in the Eastern District of Wisconsin, there is now concealed:

See Attachment B

The basis for the search under Fed. R. Crim P. 41(c) is:

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of: Title 18, United States Code, Section 922(a)(1)(A)

The application is based on these facts: See attached affidavit.

- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet



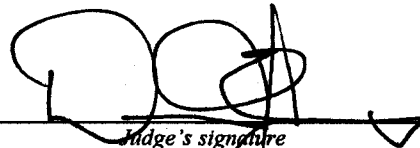
Applicant's signature

ATF Agent Andrew Elmer

Printed Name and Title

Sworn to before me and signed in my presence:

Date: Feb. 16, 2018



Judge's signature

City and State: Milwaukee, Wisconsin

David E. Jones

U.S. Magistrate Judge

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Andrew Elmer, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the examination of property, a residential dwelling described in Attachment A, and the extraction from that property of evidence described in Attachment B.

2. That affiant is a federal law enforcement officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) currently assigned to the ATF Milwaukee Field Office, Group III.

3. That affiant has worked full-time as a law enforcement officer for the past twelve years. That affiant has completed the Federal Law Enforcement Training Center, Criminal Investigator Basic Training and the ATF National Academy, Special Agent Basic Training. The affiant has additionally had a variety of variety of formal, informal and on the job training in the investigation of firearms trafficking; that the affiant has conducted many firearms and firearms trafficking investigation; that affiant has worked with numerous confidential informants (CI) during criminal investigation at various locations throughout the United States including the Milwaukee area; that affiant has participated in the execution of numerous search warrants in which firearms, ammunition and records related to firearms acquisition and disposition were seized; that affiant is familiar with the street name(s) of firearms and firearm related topics; that affiant is familiar with methods to obtain firearms and manners commonly used to conceal firearms transactions.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other investigators and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

IDENTIFICATION OF PREMISE TO BE SEARCHED

5. That affiant is requesting permission to execute a search warrant at 1834 N. 39th St., Milwaukee, WI, the upper unit of a two family duplex. The residence is off white/cream in color with brown window trim and a tan roof. The numbers "1834" are black in color and immediately adjacent to the northern most front door which faces west; the building is located in the City of Milwaukee, County of Milwaukee, Eastern District of WI.

6. The applied-for warrant would authorize the search and recovery of evidence particularly described in Attachment B.

PROBABLE CAUSE

7. That affiant's application for a search warrant is based, in part, upon violations of 18 U.S.C 922(a)(1)(A) (engaging in a firearms business without a license) regarding Thomas CALDWELL (White Male, Date of Birth: 1/22/1950) and Ron JONES (Black Male, Date of Birth: 03/04/80).

8. That affiant is aware that the ATF Madison, WI Field Office has had an open investigation into illegal sale of firearms without a license in violation of 18 U.S.C 922(a)(1)(A) by CALDWELL since November of 2017. The ATF Madison Field Office had also previously served CALDWELL with a "Warning Notice of Unlicensed

Firearms Dealing in Violation of Federal Law" letter on 12/15/2015. CALDWELL signed acknowledgement of the receipt of the warning notice on 12/15/15 as served by ATF Special Agent Anthony Rotunno. On November 1, 2017, SA Michael Klemundt contacted ATF Industry Operations Investigator (IOI) Philip Dziki. IOI queried the ATF National Licensing Database to determine if CALDWELL was a licensed firearms dealer. The results of the query were negative for a federal firearms license.

9. Affiant queried the ATF firearm tracing database "eTrace" and searched the name Thomas CALDWELL with DOB 1/22/1950. CALDWELL was listed as the purchaser of firearms recovered and traced through ATF on six (6) separate occasions between March of 2014 and September of 2017. The aforementioned traces involving CALDWELL included some traces with very short "Time to Crime" (time between the date of purchase and recovery) timeframes.

10. One firearm connected to CALDWELL, a Glock handgun with serial number RHL631, was used on 2/13/18 by a felon to murder Chicago Police Department Commander Paul R. Bauer in Chicago, Illinois. The original purchaser of the Glock handgun with serial number RHL631 said that he sold that gun to CALDWELL in March 2015 for around \$350.

11. On 2/14/18, ATF TFO Conway interviewed CALDWELL at his residence located at 4549 Martha Lane, Madison, WI regarding the sale of Glock handgun with serial number RHL631.

12. Upon telling CALDWELL that he wanted to question CALDWELL regarding a Glock handgun with serial number RHL631, CALDWELL eventually said that he probably sold the firearm to "Kevin Sweepee" around April 2017. CALDWELL

also stated that he knew the individual to use the name "Ron." CALDWELL subsequently identified "Kevin Sweepie" as Ron L. JONES (Male, Black, DOB: 5/28/1974). CALDWELL explained that he had sold at least fifteen (15) firearms to JONES in the past five (5) years and confirmed he had sold JONES Glock handgun or handguns previously. CALDWELL was shown Wisconsin Driver's License photograph of JONES (WI DL # J520-7327-4188-06, photo date: 9/8/16), and CALDWELL confirmed that the person in the photograph was the individual that he knew as "Ron" and "Kevin Sweepie." CALDWELL confirmed that this was the same individual that he had sold multiple firearms to. CALDWELL additionally provided telephone number 414-406-3905 for JONES. CALDWELL explained that he originally met JONES through a firearm sale on the website WWW.ARMSLIST.COM. CALDWELL additionally allowed TFO Conway to review approximately seven (7) to eight (8) notebook ledgers containing information about the sales of firearms. TFO Conway estimated that there were at least one hundred (100) gun sales outlined in the ledgers, which appeared to date back to 2015.

13. ATF Special Agent (SA) Thomas Sheehan explained that on 2/14/18, SA Justin Hayes, TFO Keith Dodd, and he went to the front door of 1834 N. 39th St., Milwaukee, WI in an attempt to contact JONES. Upon knocking on the front door, the door was opened by a male later identified as Ron L. JONES (Male, Black, DOB: 5/28/1974). Upon realizing law enforcement officers were at the door, JONES closed the door and refused to reopen it. Agents then observed JONES appear on the upper balcony of the residence. SA Hayes explained that they needed to speak with "Ron." JONES acknowledged that he was "Ron" and asked what the agents wanted. Agents

explained that they needed to speak with JONES about an investigation involving a firearm. Agents asked JONES if he knew CALDWELL and if JONES had bought guns from him. JONES responded by asking "which gun?" JONES then told agents that he would be willing to speak with them the following day on 2/15/18. Prior to leaving the area, SA Sheehan contacted JONES on telephone number 414-406-3905, which had been provided by CALDWELL. JONES answered the cellphone and told SA Sheehan that he would contact him at approximately 0900 hours on the following day.

14. On 2/15/18, JONES contacted SA Sheehan just before 0900 hours and agreed to meet agents at Milwaukee Police Department District 3, located at 2333 N. 49th St., Milwaukee. JONES arrived at approximately 1000 hours and provided a WI ID in the name of Ron JONES to the desk at the police district. JONES then introduced himself to SA Sheehan as "Ron." JONES admitted to purchasing and trading other items for firearms from CALDWELL. JONES described CALDWELL's residence to SA Sheehan, and SA Sheehan confirmed the description matched his recollection of CALDWELL's residence from when he viewed it on 2/14/18. JONES admitted to having obtained at least one (1) Glock handgun from CALDWELL, but he stated that he did not remember the model or caliber of the firearm. Regarding the Glock handgun, JONES stated that he likely sold the firearm on "armslist" (website WWW.ARMSLIST.COM). JONES explained that he did not remember how many firearms he had purchased and/or sold with CALDWELL. JONES explained that he and CALDWELL spoke telephonically approximately three times a month regarding firearms. JONES also confirmed that he and CALDWELL had met via the website WWW.ARMSLIST.COM.

15. On February 15, 2018, the affiant reviewed information obtained from a public record aggregating company commonly utilized by law enforcement related to Ron L. JONES. Address information reviewed for Ron JONES indicated his current address to be 1834 N. 39th St., Milwaukee, WI.

16. That affiant knows through the investigation that JONES and CALDWELL have been in telephone communication utilizing a cellular telephone to communicate regarding the purchase of firearms.

17. There is probable cause that in the residence located at 1834 N. 39th St., Milwaukee, WI there is evidence of violations of 18 U.S.C. 922(a)(1)(A). CALDWELL has admitted to selling multiple firearms, including several to JONES. CALDWELL is not have a Federal Firearms License. ATF believes that CALDWELL's repetitive firearm-related activity appears to make him an unlicensed dealer in firearms, a violation of 18 U.S.C 922(a)(1)(A). In particular one of the guns suspected of being illegally sold by CALDWELL and purchased by JONES is a Glock handgun with serial number RHL631. Sometime after JONES had possession of the firearm, it was transferred to a felon and used in the homicide of Commander Bauer. There is probable cause that JONES has evidence of violations of 18 U.S.C. 922(a)(1)(A) regarding that firearm and other firearms in the residence located at 1834 N. 39th St., Milwaukee, WI.

18. That affiant knows that persons who purchase firearms commonly maintain those firearms, including but not limited to handguns, pistols, revolvers, rifles, shotguns, machine guns and other weapons, as well as records or receipts pertaining to firearms and ammunition; at their place of residence and/or other locations where they exercise dominion and control.

19. That based upon affiant's training and experience, affiant knows that the execution of a search warrant usually results in the seizure of such items of personal property as utility bills; canceled mail envelopes, bank statements, keys, photographs, videotapes, and other items or documents which establish the identities of persons in control of the premises.

20. That based upon affiant's training and experience, affiant knows that individuals purchasing firearms routinely keep call logs and/or text messages regarding the purchase.

21. That affiant knows that it is common for firearms purchasers to maintain records, receipts, notes, ledgers, receipts relating to the transportation, ordering and purchase of firearms and that such records are typically kept where the purchaser would have ready access to them.

22. That affiant knows that firearm possessors and traffickers often take or cause to be taken photographs and other visual depiction's of themselves, their associates, their property and their firearms, and typically keep and maintain these photographs in their residences and other locations where they exercise dominion and control.

23. That affiant knows from his experience in firearms related investigations that persons involved in the possession of firearms will commonly conceal firearms, ammunition and other records relating to their purchase in places other than the dwelling itself to include various vehicles parked on or near the curtilage, garages, storage sheds and dog houses.

ATTACHMENT A
Property to Be Searched

That affiant is requesting permission to execute a search warrant at 1834 N. 39th St., Milwaukee, WI, the upper unit of a two family duplex. The residence is off white/cream in color with brown window trim and a tan roof. The numbers "1834" are black in color and immediately adjacent to the northern most front door which faces west; the building is located in the City of Milwaukee, County of Milwaukee, Eastern District of WI.

ATTACHMENT B
Particular Things to be Seized

Firearms, documents or information related to the purchase and/or sale of firearms, photographs related to firearms, documentation establishing the identity of the individuals in control of the above residence, cellphone connected to 414-406-3905, media storage devices that may hold documentation regarding firearm purchases/sales, any and all financial records connected to the purchase/sale of firearms, and any correspondence between JONES and CALDWELL.